

1 PHILLIP A. TALBERT
2 United States Attorney
3 ALSTYN BENNETT
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700
8 Facsimile: (916) 554-2900
9

10
11 Attorneys for Plaintiff
12 United States of America
13
14
15
16

17 IN THE UNITED STATES DISTRICT COURT
18
19 EASTERN DISTRICT OF CALIFORNIA

20
21 UNITED STATES OF AMERICA,

22 Plaintiff,

23 v.

24 DARRELL ANDERSON and
25 RICKY PHIENEMANH,

26 Defendants.

27 CASE NO. 2:22-cr-00228-JAM

28 **STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

DATE: July 11, 2023

TIME: 9:00 a.m.

COURT: Hon. John A. Mendez

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on July 11, 2023.

21 2. By this stipulation, defendant now moves to continue the status conference until **October**
22 **17, 2023, at 09:00 a.m.**, and to exclude time between July 11, 2023, and October 17, 2023, under Local
23 Code T4.

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has represented that the discovery associated with this case
26 includes investigative reports and related documents in electronic form including approximately
27 838 pages of documents, photographs, video and audio files, and drug lab analyses. All of this
28 discovery has been either produced directly to counsel and/or made available for inspection and

1 copying.

2 b) Counsel for defendants require additional time to review the discovery, consult
3 with their clients, review the current charges, conduct investigation and research related to the
4 charges, to discuss potential resolutions with their clients, and to otherwise prepare for trial.

5 c) Jennifer Mouzis, counsel for defendant Darrell Anderson, is scheduled to be in
6 trial in *United States v. Woods*, 2:21-cr-100-JAM, beginning September 18, 2023. Trial is
7 expected to last 3 days.

8 d) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny them the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of July 11, 2023 to October 17, 2023,
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
18 because it results from a continuance granted by the Court at defendant's request on the basis of
19 the Court's finding that the ends of justice served by taking such action outweigh the best interest
20 of the public and the defendant in a speedy trial.

21 ///

22 ///

23 ///

1
2 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
3 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
4 must commence.

5 IT IS SO STIPULATED.

6
7 Dated: June 28, 2023

PHILLIP A. TALBERT
United States Attorney

8
9
10 /s/ ALSTYN BENNETT
11 ALSTYN BENNETT
12 Assistant United States Attorney

13 Dated: June 28, 2023

14 /s/ MICHAEL R. BARRETTE
15 MICHAEL R. BARRETTE
16 Counsel for Defendant
17 RICKY PHIENEMANH

18 Dated: June 28, 2023

19 /s/ JENNIFER MOUZIS
20 JENNIFER MOUZIS
21 Counsel for Defendant
22 DARRELL ANDERSON

23
24
25
26
27
28 **ORDER**

IT IS SO FOUND AND ORDERED.

Dated: June 28, 2023

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE